

## REMARKS

Claims 5-8 are pending in the application and have been rejected. Claim 5 has been amended to recite that the switching element of the claimed invention operates with a gate voltage that is variable between a first voltage and a second voltage and wherein neither the first voltage nor the second voltage is a ground voltage. Support for this amendment can be found throughout the specification and, particularly, in those sections describing FIGURE 1 with respect to parts U1 and U2, for example, page 5, lines 6-23.

While it is understood that new art may be cited as a result of the search performed by the Examiner pursuant to the Request for Continued Examination, the following remarks are directed towards the presently-cited prior art. In view of such, applicant respectfully requests the allowance of Claims 5-8 in view of the above amendments and the following remarks.

The Rejection Under 35 U.S.C. § 102(b) as Being Anticipated by Otaka (U.S. Patent No. 5,796,286)

Claims 5 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Otaka (U.S. Patent No. 5,796,286). Applicant respectfully requests the withdrawal of this ground of rejection based on the following remarks.

Otaka teaches a field effect transistor having a voltage Vdd that controls the transistor (Q12) and can be switched between an ON state (I11) and an OFF state (ground) via a switch (S11), as illustrated by Figure 2. The claimed device is distinct from that taught by Otaka in that it has a switching element, wherein the element can be switched between two voltages, wherein neither voltage is a ground voltage. The device of the claimed invention is best illustrated in FIGURE 1 of the application, where U1 and U2 represent two different voltages for switching the device, wherein neither voltage is ground. A comparison of the claimed invention and that of Otaka can be made by comparing FIGURE 1 of the claimed invention to Figure 2 of the Otaka

reference, wherein it can be seen that the claimed invention has at least two non-ground voltages and Otaka teaches only one non-ground voltage (Vdd and the related current I11). Because the Otaka reference does not teach two non-ground voltages, applicant submits that the Otaka reference does not teach, suggest, or render obvious the claimed invention.

In view of the above remarks, applicant respectfully requests the withdrawal of this ground for rejection.

The Rejection of Claims 6-8 Under 35 U.S.C. § 103(a) as Being Unpatentable Over Otaka in View of Barta (U.S. Patent No. 4,975,604)

Claims 6-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Otaka in view of Barta (U.S. Patent No. 4,975,604). Applicant respectfully disagrees and requests withdrawal of this ground for rejection in view of the following remarks.

As described above, the teachings of Otaka do not anticipate, suggest, or make obvious the device of the invention as presently claimed. The teachings of Barta do not cure the defects of the Otaka reference because Barta does not teach a switching device having a gate voltage switchable between two non-ground voltages. Instead, Barta teaches a correction device for use with an attenuator (e.g., a switching device).

Because the teachings of Otaka and Barta do not combine to teach the claimed invention, applicant respectfully requests withdrawal of this ground for rejection.

CONCLUSION

In view of the foregoing amendments and said remarks, it is believed that Claims 5-8 are now in allowable condition. The Examiner is therefore respectfully requested to re-examine the application, to reconsider, and to withdraw the rejections of the claims and to promptly allow the case and pass it to issue.

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If the Examiner has any further questions or comments, he is invited to telephone applicant's attorney at the below listed number.

Respectfully submitted,

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